

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

5/2/19

In re.

Sears Holdings Corporation, : Chapter 11

Debtors : Case No. 18-23538 (RDD)

: Judge Drain

2019 APR 22 P 3:34
U.S. DISTRICT COURT
S.D.N.Y.

REQUEST FOR CASE 3:17-CV-00778 TO BE REMOVED FROM AUTOMATIC STAY

I MariaJacqueline Dient have a case in the United States District Court for the Middle District of Pennsylvania against Sears Holdings and Edward Lampert. It is case number 3:17- CV-00778 and it is being presided by Chief Connor and Chief Magistrate Schwab. However, My pro se case in Pennsylvania has been delayed by the automatic stay.

Due to the fact that I am not on the debtors list and the company has been purchased by Edward Lampert, I am respectfully asking for the automatic stay to be lifted or for my case to be exempt from it. An Order was issued on March 19, 2019 for the continuance of my case based on information I submitted to the United States District Court, given to me by the United States Bankruptcy Court. Hence, the attorneys for Sears Holdings are objecting to the Order because of the automatic stay. Therefore, I would like my request granted for the continuance of the case in Pennsylvania.

It is my hope that my case can go forward with an Order from the United States Bankruptcy Court lifting or exempting my case from the stay. Consequently, I would be able to obtain the justice due and a travesty of law would not occur.

Respectfully Submitted,

Maria Jacqueline Dient

Maria Jacqueline Dient

4/16/19

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 and Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

| | |
|--|----------------------------------|
| -----X | |
| In re: | : Chapter 11 |
| | : |
| SEARS HOLDINGS CORPORATION, et al., | : Case No. 18-23538 (RDD) |
| | : |
| | : (Jointly Administered) |
| Debtors.¹ | : |
| -----X | |

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: Sears Holdings Corporation (0798); Kmart Holding Corporation (3116); Kmart Operations LLC (6546); Sears Operations LLC (4331); Sears, Roebuck and Co. (0680); ServiceLive Inc. (6774); SHC Licensed Business LLC (3718); A&E Factory Service, LLC (6695); A&E Home Delivery, LLC (0205); A&E Lawn & Garden, LLC (5028); A&E Signature Service, LLC (0204); FBA Holdings Inc. (6537); Innovel Solutions, Inc. (7180); Kmart Corporation (9500); MaxServ, Inc. (7626); Private Brands, Ltd. (4022); Sears Development Co. (6028); Sears Holdings Management Corporation (2148); Sears Home & Business Franchises, Inc. (6742); Sears Home Improvement Products, Inc. (8591); Sears Insurance Services, L.L.C. (7182); Sears Procurement Services, Inc. (2859); Sears Protection Company (1250); Sears Protection Company (PR) Inc. (4861); Sears Roebuck Acceptance Corp. (0535); Sears, Roebuck de Puerto Rico, Inc. (3626); SYW Relay LLC (1870); Wally Labs LLC (None); SHC Promotions LLC (9626); Big Beaver of Florida Development, LLC (None); California Builder Appliances, Inc. (6327); Florida Builder Appliances, Inc. (9133); KBL Holding Inc. (1295); KLC, Inc. (0839); Kmart of Michigan, Inc. (1696); Kmart of Washington LLC (8898); Kmart Stores of Illinois LLC (8897); Kmart Stores of Texas LLC (8915); MyGofer LLC (5531); Sears Brands Business Unit Corporation (4658); Sears Holdings Publishing Company, LLC. (5554); Sears Protection Company (Florida), L.L.C. (4239); SHC Desert Springs, LLC (None); SOE, Inc. (9616); StarWest, LLC (5379); STI Merchandising, Inc. (0188); Troy Coolidge No. 13, LLC (None); BlueLight.com, Inc. (7034); Sears Brands, L.L.C. (4664); Sears Buying Services, Inc. (6533); Kmart.com LLC (9022); and Sears Brands Management Corporation (5365). The location of the Debtors' corporate headquarters is 3333 Beverly Road, Hoffman Estates, Illinois 60179.

**NOTICE OF MEETING OF CREDITORS
PURSUANT TO SECTION 341 OF THE BANKRUPTCY CODE**

PLEASE TAKE NOTICE that the meeting of creditors for the above-captioned chapter 11 cases, pursuant to section 341 of title 11 of the United States Code (the “**341 Meeting**”) will take place on **December 13, 2018 at 2:30 p.m. (Eastern Time)**. The 341 Meeting will be held in Room 511 of the United States Bankruptcy Court, One Bowling Green, New York, NY 10004.

PLEASE TAKE FURTHER NOTICE that the 341 Meeting may be adjourned or continued from time to time by notice at the 341 Meeting and without further written notice being provided to creditors.

Dated: November 16, 2018
New York, New York

/s/ Garrett A. Fail
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
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Ray C. Schrock, P.C.
Jacqueline Marcus
Garrett A. Fail
Sunny Singh

*Attorneys for Debtors
and Debtors in Possession*

Information to identify the case:

| | | |
|---|--|------------------------|
| Debtor | <u>Sears Holdings Corporation, et al.</u> | EIN: 20-1920798 |
| United States Bankruptcy Court for the Southern District of New York | | |
| Case Number: 18-23538 (RDD) | Date case filed in chapter 11: <u>October 15, 2018 and</u> <u>October 18, 2018</u> | |

Official Form 309F (For Corporations or Partnerships)

Notice of Chapter 11 Bankruptcy Case

12/17

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

| | | | |
|---|---|--|---|
| 1. Debtor's Full Name | See Schedule 1 for all Debtor Names | | |
| 2. All other names used in the last 8 years | See Schedule 2 | | |
| 3. Address | 3333 Beverly Road, Hoffman Estates, Illinois 60179 | | |
| 4. Debtor's attorney Name and address | WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue New York, New York 10153 Ray C. Schrock, P.C. Jacqueline Marcus Garrett A. Fail Sunny Singh | Contact Telephone: | (212) 310-8000 |
| | | Contact Facsimile: | (212) 310-8007 |
| | | E-mail: | ray.schrock@weil.com jacqueline.marcus@weil.com garrett.fail@weil.com sunny.singh@weil.com |
| 5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov . | United States Bankruptcy Court 300 Quarropas Street, White Plains, NY 10601 | Hours open: Monday - Friday, 8:30 a.m. - 5:00 p.m. (except federal holidays) Contact phone: (914) 467-7250 | |

| | | |
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| <p>6. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath.</p> <p>Creditors may attend, but are not required to do so.</p> | <p>December 13, 2018 at 2:30 p.m. (ET)</p> <p>The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p> | <p>Location: U.S. Bankruptcy Court Southern District of New York One Bowling Green (Room 511) New York, NY 10004-1408</p> |
| <p>7. Proof of claim deadline</p> | <p>Deadline for filing proof of claim: N/A</p> | <p>Not yet set. If a deadline is set, the court will send you another notice.</p> |
| | <p>A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.</p> <p>Your claim will be allowed in the amount scheduled unless:</p> <ul style="list-style-type: none"> your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>; you file a proof of claim in a different amount; or you receive another notice. <p>If your claim is not scheduled or if your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.</p> <p>You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov</p> <p>Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p> | |
| <p>8. Exception to discharge deadline</p> <p>The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline</p> | <p>If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below</p> <p>Deadline for filing the complaint: February 11, 2019</p> | |
| <p>9. Creditors with a foreign address</p> | <p>If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p> | |
| <p>10. Filing a Chapter 11 bankruptcy case</p> | <p>Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.</p> | |
| <p>11. Discharge of debts</p> | <p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.</p> | |

If you have questions about this notice, please contact Prime Clerk LLC
Telephone: (844) 384-4460 (US toll free) or +1 (929) 955-2419 (International),
Email: searsinfo@PrimeClerk.com,
Website: <https://restructuring.primeclerk.com/sears>

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Schedule 1

| Debtor | EIN Number | Case No. | District |
|--|------------|----------------|----------|
| Sears Holdings Corporation | 20-1920798 | 18-23538 (RDD) | S.D.N.Y. |
| Kmart Holding Corporation | 32-0073116 | 18-23539 (RDD) | S.D.N.Y. |
| Kmart Operations LLC | 32-0456546 | 18-23540 (RDD) | S.D.N.Y. |
| Sears Operations LLC | 35-2524331 | 18-23541 (RDD) | S.D.N.Y. |
| Sears, Roebuck and Co. | 36-1750680 | 18-23537 (RDD) | S.D.N.Y. |
| ServiceLive, Inc. | 36-4616774 | 18-23542 (RDD) | S.D.N.Y. |
| SHC Licensed Business, LLC | 37-1783718 | 18-23616 (RDD) | S.D.N.Y. |
| A&E Factory Service, LLC | 36-4486695 | 18-23543 (RDD) | S.D.N.Y. |
| A&E Home Delivery, LLC | 37-1500205 | 18-23544 (RDD) | S.D.N.Y. |
| A&E Lawn & Garden, LLC | 13-4275028 | 18-23545 (RDD) | S.D.N.Y. |
| A&E Signature Service, LLC | 37-1500204 | 18-23546 (RDD) | S.D.N.Y. |
| FBA Holdings Inc. | 36-4186537 | 18-23547 (RDD) | S.D.N.Y. |
| Innovel Solutions, Inc. | 36-1857180 | 18-23548 (RDD) | S.D.N.Y. |
| Kmart Corporation | 38-0729500 | 18-23549 (RDD) | S.D.N.Y. |
| MaxServ, Inc. | 74-2707626 | 18-23550 (RDD) | S.D.N.Y. |
| Private Brands, Ltd. | 55-0544022 | 18-23551 (RDD) | S.D.N.Y. |
| Sears Development Co. | 36-2476028 | 18-23552 (RDD) | S.D.N.Y. |
| Sears Home & Business Franchises, Inc. | 98-0126742 | 18-23554 (RDD) | S.D.N.Y. |
| Sears Holdings Management Corporation | 20-3592148 | 18-23553 (RDD) | S.D.N.Y. |
| Sears Insurance Services, L.L.C. | 36-4287182 | 18-23556 (RDD) | S.D.N.Y. |
| Sears Procurement Services, Inc. | 30-0092859 | 18-23557 (RDD) | S.D.N.Y. |
| Sears Home Improvement Products, Inc. | 25-1698591 | 18-23555 (RDD) | S.D.N.Y. |
| Sears Protection Company | 36-4471250 | 18-23558 (RDD) | S.D.N.Y. |
| Sears Protection Company (PR), Inc. | 66-0704861 | 18-23559 (RDD) | S.D.N.Y. |
| Sears Roebuck Acceptance Corp. | 51-0080535 | 18-23560 (RDD) | S.D.N.Y. |
| Sears, Roebuck de Puerto Rico, Inc. | 66-0233626 | 18-23561 (RDD) | S.D.N.Y. |
| SYW Relay LLC | 35-2561870 | 18-23562 (RDD) | S.D.N.Y. |
| Wally Labs LLC | None | 18-23563 (RDD) | S.D.N.Y. |
| SHC Promotions LLC | 26-4209626 | 18-23630 (RDD) | S.D.N.Y. |
| Big Beaver of Florida Development, LLC | None | 18-23564 (RDD) | S.D.N.Y. |
| California Builder Appliances, Inc. | 68-0406327 | 18-23565 (RDD) | S.D.N.Y. |
| Florida Builder Appliances, Inc. | 36-3619133 | 18-23566 (RDD) | S.D.N.Y. |
| KBL Holding Inc. | 26-0031295 | 18-23567 (RDD) | S.D.N.Y. |
| KLC, Inc. | 75-2490839 | 18-23568 (RDD) | S.D.N.Y. |
| Kmart of Michigan, Inc. | 38-3551696 | 18-23576 (RDD) | S.D.N.Y. |
| Kmart of Washington LLC | 61-1448898 | 18-23570 (RDD) | S.D.N.Y. |
| Kmart Stores of Illinois LLC | 61-1448897 | 18-23571 (RDD) | S.D.N.Y. |
| Kmart Stores of Texas LLC | 61-1448915 | 18-23572 (RDD) | S.D.N.Y. |
| MyGofer LLC | 26-4005531 | 18-23573 (RDD) | S.D.N.Y. |
| Sears Brands Business Unit Corporation | 42-1564658 | 18-23574 (RDD) | S.D.N.Y. |

| Debtor | EIN Number | Case No. | District |
|--|------------|----------------|----------|
| Sears Holdings Publishing Company, LLC | 26-0075554 | 18-23575 (RDD) | S.D.N.Y. |
| Sears Protection Company (Florida), L.L.C. | 20-0224239 | 18-23569 (RDD) | S.D.N.Y. |
| SHC Desert Springs, LLC | None | 18-23577 (RDD) | S.D.N.Y. |
| SOE, Inc. | 83-0399616 | 18-23578 (RDD) | S.D.N.Y. |
| StarWest, LLC | 37-1495379 | 18-23579 (RDD) | S.D.N.Y. |
| STI Merchandising, Inc. | 38-2760188 | 18-23580 (RDD) | S.D.N.Y. |
| Troy Coolidge No. 13, LLC | None | 18-23581 (RDD) | S.D.N.Y. |
| BlueLight.com, Inc. | 77-0527034 | 18-23582 (RDD) | S.D.N.Y. |
| Sears Brands, L.L.C. | 42-1564664 | 18-23583 (RDD) | S.D.N.Y. |
| Sears Buying Services, Inc. | 36-3256533 | 18-23584 (RDD) | S.D.N.Y. |
| Kmart.com LLC | 77-0529022 | 18-23585 (RDD) | S.D.N.Y. |
| Sears Brands Management Corporation | 36-2555365 | 18-23586 (RDD) | S.D.N.Y. |

Schedule 2

| | | |
|---|--|---|
| A&E Factory Service | Kmart Holding Company | Sears Grand |
| Accents for Less | Kmart Holdings, Inc. | Sears Grand #1673 |
| American Siding & Deck, Inc. | Kmart Lessee Operations, LLC | Sears Holdings Management Corporation |
| American Windows & Sash, Inc. | Kmart Management Corporation | Sears Home Appliance Showrooms |
| Appliance Liquidators | Kmart Michigan Property Services, L.L.C. | Sears Home Improvement Products (South), Inc. |
| Austin Technology Center | Kmart of Amsterdam, NY Distribution Center, Inc. | Sears Home Services |
| Bath and Kitchen Elegance | Kmart of Pennsylvania LP | Sears Home&Life |
| Bath and Kitchen Elegance of the Desert | Kmart Pharmacies of Minnesota, Inc. | Sears Holdings Promotions LLC |
| Big Beaver of Caguas Development Corporation | Kmart Pharmacies, Inc. | Sears Lessee Operations, LLC |
| Big Beaver of Caguas Development Corporation II | Kmart Properties, Inc. | Sears Logistics Services |
| Big Kmart | Kmart Stores of Indiana, Inc. | Sears Logistics Services, Inc. |
| Big Kmart (#3680) | Kmart Stores of TNCP, Inc. | Sears Merchandise Group |
| Central Wholesale Appliance Supply, Inc. | KMI, Inc. | Sears Merchandise Group, Inc. |
| Chantell Marketing | Koolvent Aluminum Products, Inc. | Sears New York Insurance Agency |
| Circle of Beauty Inc. | Kresge - Kmart Limited | Sears Oklahoma Insurance Agency |
| Delver | Little Caesars | Sears Protection Company Inc. |
| Delver.com | Max Acquisition Delaware Inc. | Sears Protection Company, Inc. |
| Designer Depot | McKids | Sears Technology Services LLC |
| Eblon Technologies India Private Limited | McKids The Store | Sears, Roebuck de Mexico, S.A. de C.V. |
| Evoke Productions | McPhail's Appliances | Sears, Wishbook, Inc. |
| FitStudio by Sears | MetaScale Technologies India Private Limited | ServiceLive Direct |
| Florida Builder Appliances, Inc. | Monark | SHMC, Inc. |
| Garment Rack | Monark Holdings Inc. | Shop Your Way Local, LLC |
| HDC Holding Company of Delaware, Inc. | Monark of California | shopyourway.com |
| HO. Tampa Development Co. | Monark Premium Appliance Co. | Sourcing and Technical Services, Inc. |
| HO. Tysons Office Investment Co. | Monark Premium Appliance Co. of Arizona | Standards of Excellence |
| ILJ, Inc. | Monark Premium Appliance Co. of California | Standards of Excellence Outlet Store |
| JAF, Inc. | MXSV, Inc. | Super K |
| KC Kelley Group | NTB - National Tire and Battery | Super Kmart |
| Kenmore Direct | NTB-National Tire & Battery | SUPER KMART CENTER |
| Kids Stockroom | PMB, Inc. | Super Kmart Center |
| Kmart | Prairie Buck I, Inc. | Texas Bluelight.com Inc. |
| Kmart Acquisition Corp. | Prairie Buck II, Inc. | The Annexx Restaurant |
| Kmart Apparel Corp. | Private Brands, Ltd. | The Great Indoors |
| Kmart Apparel Fashions Corp. | Relay LLC | Tire Property Holding, Inc. |
| Kmart Apparel Leasing Corp. | San Diego Appliance Sales | Tri-Valley Crossings |
| Kmart Apparel Service of Atlanta Corp. | Sears | Troy CMBS Property, L.L.C. |
| Kmart Apparel Service of Des Plaines Corp. | Sears #1284 | Westar Kitchen & Bath LLC |
| Kmart Apparel Service of Sunnyvale Corp. | Sears Acquisition Corp. | Westar Kitchen and Bath |
| Kmart Corporation | Sears Auto Center | Westar Kitchen and Bath, LLC |
| Kmart Enterprises, Inc. | Sears Auto Center #6582 | Western Bluelight.com LLC |
| Kmart Far East Limited | Sears Auto Centers | WestStar Kitchen and Bath |
| Kmart Financing I | Sears Carpet and Upholstery Care, Inc. | WestStar Kitchen and Bath LLC |
| Kmart Global Sourcing Ltd. | Sears Essentials | |